

Message Text

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ACTION SNM-05

INFO OCT-01 EUR-12 ISO-00 DEAE-00 CIAE-00 INR-10 IO-14
JUSE-00 NSAE-00 CTME-00 TRSE-00 ICA-20 NSC-05
OES-09 OMB-01 SS-15 HEW-06 DODE-00 L-03 AGRE-00
SCS-06 CA-01 /108 W
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R 231251Z AUG 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 6403

UNCLAS SECTION 01 OF 02 PARIS 28056

E.O. 11652: N/A
TAGS: SNAR
SUBJECT: NARCOTICS LAWS

REF: PARIS 27740 AND PREVIOUS

1. FOLLOWING ARE THE REMAINING ANSWERS TO QUESTION-
NAIRE SENT IN STATE 170187 CONCERNING THE CULTIVATION,
FINANCE AND CRIMINAL PROCEDURES IN FRANCE GOVERNING
NARCOTICS. ANSWERS ARE GEARED TO FORMAT IN THE
QUESTIONNAIRE.

2. CULTIVATION, PRODUCTION AND ELABORATION.

A) THE CULTIVATION OF VENOMOUS PLANTS CLASSIFIED
AS NARCOTICS (INCLUDING INDIAN HEMP, CANNABIS, SATIVA,
COCA AND OPIUM POPPY) IS FORBIDDEN BY ARTICLE L626
OF THE PUBLIC HEALTH CODE AND SUBSEQUENT EXECUTORY
REGULATIONS, WHEN THEY ARE DESTINED FOR OTHER THAN
MEDICAL USES. AN EXCEPTION TO THIS PROVISION IS PRO-
VIDED ON SPECIAL AUTHORIZATION BY THE PUBLIC AUTHOR-
ITIES.

ARTICLE L627 OF THE SAME CODE PROVIDES IN CASE
OF A VIOLATION FOR A PENALTY OF 10 TO 20 YEARS IN
PRISON AND/OR A FINE OF 5,000 TO 50,000 FRANCS. AN
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ATTEMPT TO COMMIT THIS OFFENSE IS PUNISHED BY SIMILAR
PENALTIES. IN ADDITION, THE COURT MAY ORDER THE
CONFISCATION OF THE SUBSTANCES SEIZED.

B) NOT APPLICABLE.

C) THE PRODUCTION OF SUBSTANCES CLASSIFIED AS
NARCOTICS BY ELABORATION FROM PLANTS MENTIONED ABOVE,
WHEN THEY ARE DESTINED FOR OTHER THAN MEDICAL PUR-

POSES, IS PUNISHED IN THE SAME WAY AS THE CULTIVATION OF THESE PLANTS. PRODUCTION MAY, NEVERTHELESS, BE AUTHORIZED BY SPECIAL DECISION OF THE PUBLIC AUTHORITIES.

THE PRODUCTION OR ELABORATION FROM PLANTS OR SUBSTANCES CLASSIFIED AS VENOMOUS, WHEN DESTINED FOR MEDICAL PURPOSES, FOLLOWS A SPECIAL REGULATION. IN THESE CASES, THE PRODUCTION IS VERY STRICTLY CONTROLLED BY ARTICLES R5189 AND R5211 OF THE PUBLIC HEALTH CODE. THESE SAME TWO ARTICLES GOVERN EXCEPTIONS FOR OTHER THAN MEDICAL PURPOSES.

3. FINANCIAL ASPECTS.

A) THE FACT OF HAVING GIVEN FINANCIAL ASSISTANCE TO THE ACT OF TRANSPORT, IMPORT, POSSESSION, OFFERING, ACQUISITION, TRAFFICKING OR PRODUCTION OF SUBSTANCES CLASSIFIED AS NARCOTICS IS CONSIDERED COMPLICITY WITHIN THE MEANING OF ARTICLE 60 OF THE PENAL CODE. ACCORDING TO ARTICLE 59 OF THIS SAME CODE, THE ACCOMPLICE IS PUNISHED IN THE SAME WAY AS THE AUTHOR OF THE OFFENSE. IN ADDITION, THE SECOND PART OF ARTICLE L627 OF THE PUBLIC HEALTH CODE PROVIDES SPECIFICALLY THAT THE ASSOCIATION OR INTENT WITH A VIEW TO COMMITTING THESE OFFENSES IS PUNISHED IN THE SAME WAY AS THE OFFENSE ITSELF.

B) FRENCH AND OTHER RESIDENTS ARE PERMITTED TO UNCLASSIFIED

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EXPORT PHYSICALLY UP TO 5,000 FRANCS OR THE EQUIVALENT PER VOYAGE. REGULATIONS GOVERNING TRANSFERS THROUGH BANK ACCOUNTS VARY GREATLY DEPENDING ON THE PURPOSE OF THE TRANSFER, BUT THEY CAN BE CONSIDERED RELATIVELY LIBERAL IN FRANCE. NON-RESIDENTS MAY OPEN SPECIAL ACCOUNTS IN FRANCE, WHERE THE DEPOSITS MUST BE IN FOREIGN CURRENCY AND ARE THEN FREELY TRANSFERABLE.

4. CRIMINAL PROCEDURE.

A) INVESTIGATIVE DETENTION IS PROVIDED FOR THE OFFENSES OF PRODUCTION, ELABORATION OR TRAFFICKING OF DRUGS AS IT IS FOR ALL OFFENSES PUNISHABLE BY A SENTENCE OF TWO YEARS' IMPRISONMENT OR MORE. THIS DETENTION IS GOVERNED BY ARTICLES 144 THROUGH 148 OF THE CODE OF PENAL PROCEDURES. IN CONFORMITY WITH THE RULES OF COMMON LAW, THIS DETENTION MAY ONLY BE ORDERED FOR ONE OF THE PRECISE REASONS ENUMERATED BY THE LAW, SUCH AS TO PREVENT THE DISAPPEARANCE OF EVIDENCE AND ASSURING THE AVAILABILITY OF THE ACCUSED BEFORE THE COURT.

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C O R R E C T E D C O P Y TEXT (PARAS E AND F)

THE LENGTH OF THIS DETENTION IS NORMALLY A
MAXIMUM OF FOUR MONTHS FOR MISDEMEANORS. HOWEVER,
THIS PERIOD MAY BE EXTENDED UPON THE ORDER OF THE
JUDGE (JUGE D'INSTRUCTION) FOR ADDITIONAL 4-MONTH
PERIODS, WITHOUT ANY LIMITATION ON THE TOTAL LENGTH
OF DETENTION. HOWEVER, WITH RESPECT TO AN ACCUSED
WHO HAS NOT ALREADY BEEN FOUND GUILTY FOR A CRIME OR
A COMMON LAW MISDEMEANOR, INVOLVING EITHER A CRIMINAL
PENALTY OR AN IMPRISONMENT WITHOUT PROBATION FOR MORE
THAN THREE MONTHS, THE EXTENSION OF THE INVESTIGATIVE
DETENTION MAY ONLY BE ORDERED ONCE AND FOR A PERIOD
NOT EXCEEDING TWO MONTHS.

DURING THIS PERIOD, THE ACCUSED IS GENERALLY
AUTHORIZED TO CONTACT HIS CONSULATE OR EMBASSY. HE
MAY ALSO CORRESPOND FREELY, THOUGH THE JUDGE MAY
MONITOR THIS CORRESPONDENCE. GENERALLY, THE EMBASSY
OR CONSULATE IS INFORMED OF THE ARREST OF ONE OF ITS
CITIZENS.

B) IN PRACTICE, PRE-TRIAL DETENTION RARELY
EXCEEDS EIGHT MONTHS.

C) IT IS VERY DIFFICULT TO INDICATE THE AVERAGE
LENGTH OF THE TRIAL PROCESS FOR NARCOTICS OFFENSES.
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MOST OFTEN THIS PERIOD RANGES FROM SIX MONTHS TO ONE YEAR. APPEALS CONCERNING POINTS OF INFORMATION ARE GENERALLY HANDLED MORE QUICKLY. APPEALS ON THE SUBSTANCE OF A DECISION MAY TAKE FROM TWO TO SIX MONTHS. THE PROCEDURE FOR A REVERSAL OF A DECISION, WHICH CAN ONLY BE BROUGHT IF THERE EXISTS NO OTHER RECOURSE, IS GENERALLY VERY LONG.

D) IN CRIMINAL CASES, EVERY ACCUSED WHO SO WISHES MAY BENEFIT FROM FREE LEGAL COUNSEL, BOTH DURING THE INVESTIGATIVE PERIOD AND THE FORMAL COURT PROCESS.

E) THE GENERAL PROVISIONS OF THE CODE OF CRIMINAL PROCEDURE APPLY ALSO TO PAROLE IN NARCOTICS CASES. PAROLE IS PROVIDED FOR WHEN THE OFFENDER HAS COMPLETED ONE-HALF OF HIS SENTENCE OR, FOR REPEATERS, TWO-THIRDS OF THE SENTENCE.

F) THE GENERAL PRACTICE FOR MINOR OFFENDERS OF FOREIGN NATIONALITY IS AT LEAST NON-RENEWAL OF HIS RESIDENT PERMIT AND USUALLY EXPULSION FROM FRANCE. HOWEVER, THIS PRACTICE IS DECIDED WITHIN THE DISCRETION OF THE MINISTRY OF INTERIOR, IN COOPERATION WITH JUSTICE, AND IS NOT UNIVERSALLY APPLIED.
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